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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/088,532	Zhibo Gan	45460-1

INTERNATIONAL APPLICATION NO.

PCT/CA00/01153

I.A. FILING DATE	PRIORITY DATE
10/03/2000	10/04/1999

Edwin J Gale
 Kirby Eades Gale Baker
 Box 3432 Station D
 Ottawa, K1P 6N9
 CANADA

CONFIRMATION NO. 3042

371 FORMALITIES LETTER



OC000000008345202

Date Mailed: 07/02/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Preliminary Amendments
- Small Entity Statement

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- This application does not contain a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- **APPLICANT MUST PROVIDE:**
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
 - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

- This application does not contain a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHRISTINE S WASHINGTON

Telephone: (703) 305-3752

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/088,532	PCT/CA00/01153	45460-1

Dkt. 67473/RSM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Zhibo GAN
International
Application No.: PCT/CA00/01153
International
Filing Date : 03 October 2000
U.S. Serial No.: 10/088,532
U.S. Filing
Date : April 3, 2002
For : NON-SEPARATION HETEROGENOUS ASSAY FOR
BIOLOGICAL SUBSTANCES

1185 Avenue of the Americas
New York, New York 10036
11 September 2002

Box PCT
Assistant Commissioner for Patents
Washington, D.C. 20231

ATTN: DO/EO/US

Sir:

**RESPONSE TO NOTIFICATION OF
MISSING REQUIREMENTS UNDER 35 U.S.C. 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

In response to the requirement for an executed declaration in a Notification Of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US) issued in connection with the above-identified application on July 2, 2002, a copy of which is enclosed as Exhibit A, applicant hereby submits, as Exhibit B, a Declaration and Power of Attorney pursuant to 37 C.F.R. §1.495(c)(2) and/or §1.53(f) and in compliance with 37 C.F.R. §1.63. The Declaration refers to the application's above-identified international application number and international filing date.

Applicant: Zhibo GAN
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In response to the requirement for a sequence listing in the Notification, applicant respectfully submits that the subject application does not disclose any specific nucleotide and/or amino acid sequences. While the application does mention DNA, RNA, proteins, enzymes, etcetera, no specific nucleotide or amino acid sequences are disclosed. Accordingly, pursuant to 37 C.F.R. §1.821(a) and (b), no sequence listings as set forth in 37 C.F.R. §1.821(c) and (e) are required. Thus, applicant submits that this requirement was issued in error and respectfully requests that the requirement for such sequence listings be reconsidered and withdrawn.

In accordance with the Notification, the original date for submitting the Declaration and paying any fees required was two months from the date of the Notification, that is, September 2, 2002. A one-month extension of time for responding to the Notification has been requested. Accordingly, a response to the Notification is now due October 2, 2002, and thus, the Declaration is being submitted timely.

The surcharge for submitting the Declaration and paying any fees under 37 C.F.R. §1.492(e) is SIXTY FIVE DOLLARS (\$65.00) for a small entity. Accordingly, a check in the amount of SIXTY FIVE DOLLARS (\$65.00) is enclosed.

No fees other than the SIXTY FIVE DOLLARS (\$65.00) surcharge fee and the FIFTY FIVE DOLLARS (\$55.00) fee for the extension of

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Applicant: Zhibo GAN
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Int'l Filing Date: 03 October 2000
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time are deemed necessary in connection with the filing of this Response. In the event any additional fees are required, authorization is hereby given to charge the amount of any such fees to Deposit Account No. 03-3125.

Respectfully submitted,



Richard S. Milner
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Christopher C. Dunham
Registration No. 22,031
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Dkt. 67473/RSM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Zhibo GAN
International
Application No. : PCT/CA00/01153
International
Filing Date : 03 October 2000
U.S. Serial No. : 10/088,532
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BIOLOGICAL SUBSTANCES

1185 Avenue of the Americas
New York, New York 10036
11 September 2002

Box PCT
Assistant Commissioner for Patents
Washington, D.C. 20231

ATTN: DO/EO/US

Sir:

**EXPRESS MAIL
CERTIFICATE OF MAILING
FOR ABOVE-IDENTIFIED APPLICATION**

"Express Mail" mailing label number: ET 735 980 497 US

Date of Deposit: 11 September 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Printed Name: THIN 150A

Respectfully submitted,

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